

Plaintiff Name: Rita Penotti
HIC # 016-26-0991
Docket # 999-26-0742

FILED
CLERKS OFFICE

2006 MAR 27 P 1:30

Defendant Name: Secretary of Health and Human Services
330 Independence Ave.
Washington, D.C. 20201

Notice of Appeal for District Court

The Plaintiff (Rita Penotti) requests this notice of appeal for District Court. I am requesting this appeal in response to a motion denied on 2/22/06 by Judge Richard G. Skans. The basis for this appeal is to prove that there was a specific medical necessity for the transfer of the plaintiff on 1/19/02 from Speare Memorial Hospital in Plymouth New Hampshire to Lawrence Memorial Hospital in Medford Massachusetts.

I am filing this appeal pro-se
with the assistance of the pro-se department
of the U.S. District Court.

The appeal is to prove that despite
the judge's and defendant's denial, there
is concrete documentation from several
physicians (including but not limited to the
plaintiff's cardiologist and medical physician)
that due to the extensive past medical
history and extenuating circumstances of
lack of proper treatment from Spear Memorial
Hospital that the transfer was in the
plaintiff's best medical interest as well
as safety interest. See additional
attached letter from plaintiff's primary
physician (Dr. Louis Giorgio). All other

MD letters and any other information concerning this case can be found in the record which has been filed with Judge Stein's Office in the U.S. District Court.

I am also requesting an oral argument through Richard Cushing Donovan to provide more detailed information in this extenuating case.

Conclusion: During the past 4 years of repeated filing of this case, I feel as the plaintiff that I have provided consistent, concrete evidence as to the medical necessity of transfer via ambulance from one facility to another.

I do not understand the judge's or defendant's denial in this

case despite multiple + repeated physician recommendations that prove that the transfer was medically necessary for plaintiff safety and best medical interest. (see paragraph 3 and 4 of letter submitted from Dr. Louis Giorgio.)

No where in any of the defendant's documentation is the abbreviation M.D. or Dr. used. Again I am requesting an oral argument and would appreciate your consideration in this matter.

If you need any additional information please do not hesitate to call me.

Thank you for your time and consideration

Rita Pennotti

Rita Pennotti

LAWRENCE MEMORIAL HOSPITAL
FAMILY MEDICAL ASSOCIATES
101 MAIN STREET
MEDFORD, MA 02155

E. Packman Moresco, M.D.
(781) 391-3885

Louis Giorgio, M.D.
(781) 391-3532

Jennifer Balukonis, R.N.P.
(781) 391-3532

March 5, 2006

Rita Perrotti
115 Playstead Road
West Medford, MA 02155
DOB: 08/26/1933

To Whom It May Concern:

I am writing this letter on behalf of Mrs. Rita Perrotti who is a patient of mine followed at this address. I am her primary care physician.

On 12/19/2002 she was transferred acutely from the Speare Memorial Hospital in Plymouth, New Hampshire to the Lawrence Memorial Hospital in Medford, MA after a fall. It was determined after that fall that she had an acute hip fracture. The patient has a complicated medical history including suffering from arteriosclerotic heart disease as well as paroxysmal atrial fibrillation. Due to her known cardiac condition it was felt medically necessary that she be transferred urgently to the Lawrence Memorial Hospital to have continued supervision of her known cardiac condition by Dr. Larry Conway who is her cardiologist as well as my self being her primary care physician.

I concur with the patient as well as her daughter Margaret that it was medical necessary that the patient be transferred to LMH, as her cardiac condition necessitated her having an urgent cardiac evaluation prior to pursuing any surgical repair to her hip. It was in the patient's best medical interest and for her future health that she be transferred to LMH, as my self being her primary care physician and her cardiologist knew her clinical condition better than the doctors up in New Hampshire and I felt that they would not be able to provide her the care that she needed at that point both prior to and after her surgery.

It is in my opinion that the transfer was medical necessary for this condition and required ambulance transfer due to the fracture that should have been provided to the patient. If there are any further questions, please feel free to contact me at this address.

Sincerely,


LOUIS A. GIORGIO, MD

D: 03/05/2006 10:07:01 T: 03/06/2006 09:47:32
Voice#/Text#: 70908/653114 LAG/hp
MR: H0031164
DOB: 08/26/1933